

Remarks

Claims 1, 3-17, 24-25 and 31 were pending and examined in the February 14, 2007 Office Action. The specification amendments are presented herewith to delete embedded hyperlinks. The claim amendments amend claims 1, 9, 10 and 25 and adds new claims 91 and 92. The amendments are made without prejudice or disclaimer. Currently pending claims are claims 1, 3-17, 24-25, 31, 91 and 92.

Objection to the Specification

The specification is objected to for having embedded hyperlinks. Applicants request withdrawal of this objection because the embedded hyperlinks are deleted with the current specification amendments.

Rejections under 35 U.S.C. 101

Claims 1 and 5-16 stand rejected under 35 U.S.C. 101 as claiming a product of nature. Claim 1 has been amended to further specify that the peptide is purified, which does not occur in nature. Regarding claims 10-16, it is noted that those claims as amended are directed to cells in vitro. In vitro cells having the peptide of claim 1 do not occur in nature.

Regarding the assertion that peptide fragments occur as a result of degradation or enzymatic cleavage in nature, the PTO has not provided any showing that the claimed peptides occur by such a mechanism.

In light of the claim amendments and the above discussion, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. 102(b)

Claims 1, 3-7, 9-17, 24-25 and 31 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,872,213 (the '213 patent). Applicant traverses this rejection. While the '213 patent discloses the full length INI1/hSNF5, it does not

disclose a peptide that “consists of SEQ ID NO:5 or is a fragment of SEQ ID NO:5”, as required in claim 1. While SEQ ID NO:3 of the ‘231 patent sets forth a portion of INI1/hSNF5 (amino acids 181-383), that sequence is only provided to show a homology comparison of a relevant portion of INI1/hSNF5 with the yeast protein SNF5 (see FIG. 5B of the ‘213 patent). The purification of the fragment encompassed by SEQ ID NO:3 of the ‘231 patent is not disclosed in the ‘231 patent. Furthermore, SEQ ID NO:4 of the ‘213 patent is a portion of yeast SNF5 and does not occur in INI1/hSNF5. The ‘213 patent also does not disclose the isolation of any other fragment of INI1/hSNF5 that is encompassed by claim 1 or any other claim of the instant application.

Regarding the quote of the ‘213 patent at page 5 of the February 14, 2007 Office Action, there is no discussion therein, or anywhere else in the ‘213 patent that indicates that the Rpt1 region, or any other region of INI1/hSNF5 can actually block IN activity. The most relevant portion of that quote, “it might be possible to generate dominant negative alleles of ini-1, perhaps encoding small fragments of the protein, that bind inappropriately to IN and block its activity”, cannot be interpreted to establish that such dominant negative alleles were actually identified therein, only that their generation “might be possible”. See also the ‘213 patent at col. 5, line 61 - col. 6, line 4, where a method of using such ini-1 fragments to disrupt a retrovirus life cycle is set forth. That method speculates that such ini-1 fragments are 4-20 amino acids long, much smaller than the fragments actually identified in the instant application comprising SEQ ID NO:2, having 63 amino acids. Withdrawal of this rejection is therefore respectfully requested.

Conclusion

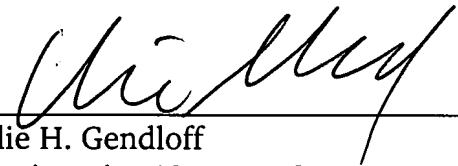
In light of the above claim amendments and remarks, applicant requests withdrawal of all rejections and objections and passage of the claims to allowance.

It is believed that no fee is required with this Reply. If there are any unanticipated fees required to maintain pendency of this patent application, the PTO is hereby authorized to withdraw funds for those fees from Deposit Account 01-1785.

Respectfully submitted

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Dated: New York, New York
April 13, 2007

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